

MEMO ENDORSED

GEORGIA M. PESTANA
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

PHILIP S. FRANK
phone: (212) 356-0886
email: pfrank@law.nyc.gov

February 9, 2022

BY ECF

Honorable Katharine H. Parker
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Kirby v. Carter, et al.*, 21-cv-9056 (AJN) (KHP)

Your Honor:

I am the Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York assigned to the defense of the above-referenced matter on behalf of Defendant Warden Carter. Plaintiff, who is incarcerated, alleges that the conditions of his confinement at the Vernon C. Bain Center (VCBC) violated his constitutional rights.

I write to respectfully request an adjournment of the initial conference currently scheduled for February 10, 2022, at 12:00 p.m. The reason for the requested adjournment is that the deadline for Defendants Carter, Guerra, and Horton to respond to the Complaint is not until March 7, 2022.

Accordingly, Defendant respectfully requests that the Court grant an adjournment of the initial conference until a date after the deadline for Defendants' response to the Complaint. This is the first request for an adjournment of the conference. Because Plaintiff is incarcerated and proceeding *pro se*, this request is made directly to the Court.

I thank the Court for its consideration of this request.

Respectfully submitted,

_____/s/
Philip S. Frank
Assistant Corporation Counsel

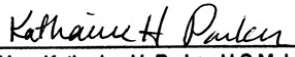
By First Class Mail

Termain Kirby
Plaintiff *Pro Se*
B&C: 1412001914
Vernon C. Bain Center
1 Halleck St.
Bronx, NY 10474

APPLICATION GRANTED: The telephonic Case Management conference in this matter currently scheduled for Thursday, February 10, 2022 at 12:00 p.m. is hereby adjourned to **Thursday, March 10, 2022 at 11:00 a.m.** It is hereby ORDERED that the Warden or other official in charge of the Vernon C. Bain Center (VCBC) **produce plaintiff Termain Kirby on March 10, 2022, no later than 11:00 a.m.,** to a suitable location within the VCBC that is equipped with a telephone, for the purpose of participating by telephone in a conference with the Court and defendants' counsel. If the scheduled time and date presents a hardship, the Warden or the Warden's designee should promptly inform chambers by calling (212) 805-0234. **Defendants' counsel must: (1) send this Order to the Warden immediately; (2) contact the VCBC to arrange the call and determine the telephone number at which the plaintiff will be reachable at the above time and date; (3) call into Judge Parker's AT&T teleconference line (866) 434-5269, Access Code: 4858267, with the plaintiff on the line, at the time and date of the conference.**

The Clerk of Court is requested to mail a copy of this order to the *pro se* Plaintiff.

APPLICATION GRANTED


Hon. Katharine H. Parker, U.S.M.J.

2/9/2022